

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-CR-469-JFH

SHAWN ALEXANDER SIMPSON,

Defendant.

OPINION AND ORDER

Before the Court is an unopposed motion to dismiss count two (“Motion”) filed by the United States of America (“Government”). Dkt. No. 49. The Government requests leave to dismiss Count Two of the Indictment [Dkt. No. 15] without prejudice as to Defendant Shawn Alexander Simpson (“Defendant”). *Id.* Count Two charges Defendant with First Degree Burglary in Indian Country in violation of 18 U.S.C. §§ 1151, 1152, & 13 and 21 O.S. §§ 1431 & 1436.

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)). The Court concludes that dismissal of this charge against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government’s motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government’s unopposed motion to dismiss count two [Dkt. No. 49] is **GRANTED** and Count Two **only** of the Indictment [Dkt. No. 15] is **dismissed without prejudice** as to Defendant Shawn Alexander Simpson.

Dated this 27th day of June 2022.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE